Criminal Injuries Compensation Board FY 2024 Annual Report

Criminal Procedure Article, § 11-805(a)(8); 2024 Joint Chairmen's Report - FY 2025 Operating and Capital Budgets (Page 26)

Wes Moore
Governor

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Submitted by:
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November 14, 2024

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor

Maryland
GOVERNOR'S OFFICE OF CRIME PREVENTION AND POLICY

DOROTHY LENNIG
Executive Director

November 14, 2024

The Honorable Wes Moore
Governor of Maryland
100 State Circle
Annapolis, MD 21401

The Honorable William C. "Bill" Ferguson IV
President of the Senate
State House, H-107
Annapolis, MD 21401-1991

The Honorable Adrienne Jones
Speaker of the House of Delegates
State House, H-101
Annapolis, MD 21401

The Honorable Guy Guzzone
Chair, Senate Budget and Taxation Committee
Miller Senate Office Building, Suite 3 West
11 Bladen Street
Annapolis, MD 21401

The Honorable Benjamin Barnes
Chair, House Appropriations Committee
House Office Building, Room 121
6 Bladen Street
Annapolis, MD 21401

RE: Criminal Procedure Article § 11-805(a)(8) (MSAR #15110); 2024 Joint Chairmen's Report (Page 26)

Dear Governor Moore, President Ferguson, Speaker Jones, Chair Guzzone, and Chair Barnes:

In accordance with § 11-805(a)(8) of the Criminal Procedure Article and the 2024 Joint Chairmen's Report - FY 2025 Operating and Capital Budgets (Page 26), please find an enclosed copy of the Governor's Office of Crime Prevention and Policy (Office) report, titled *Criminal Injuries Compensation Board FY 2024 Annual Report*. This report includes information regarding the activities of the Criminal Injuries Compensation Board, and the financial assistance it provides to crime victims. The 2024 Joint Chairmen's Report also restricts $100,000 of the appropriation made for the purpose of agency administration until the report is submitted. With the submission of this report, the Office respectfully requests the release of restricted funds.

As required, five color copies will be sent to the DLS Legislative Library.

Sincerely,

Dorothy J. Lennig, Esq.
Executive Director

cc: Sarah Albert, Department of Legislative Services (5 copies)

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Introduction

In accordance with § 11-805(a)(8) of the Criminal Procedure Article and the *2024 Joint Chairmen's Report - FY 2025 Operating and Capital Budgets* (Page 26), the Criminal Injuries Compensation Board (Board) must submit a report to the Governor, the Executive Director of the Governor's Office of Crime Prevention and Policy (Office), the General Assembly, and the budget committees by November 1, as it relates to its activities.

The *2024 Joint Chairmen's Report - FY 2025 Operating and Capital Budgets* (Page 26) also restricts the expenditure of funds, in the amount of $100,000, until the Office submits the required report.

Pursuant to its charge, this *Criminal Injuries Compensation Board FY 2024 Annual Report* includes information regarding the activities of the Board, as well as the financial assistance it provides to crime victims who have suffered compensable injuries or loss in the aftermath of criminal victimization. It also provides a follow-up to several reports, available on the Office's website at https://goccp.maryland.gov/reports-and-publications/, that were submitted in prior years.

It is important to note that even though the statute requires the Board to fulfill specific duties to provide financial assistance to crime victims who have suffered compensable injuries or loss in the aftermath of a criminal victimization, the Office's operational staff performs the majority of the duties. For this reason, the report references the Office (also listed as agency) more frequently than the Board, given its role.

Overview of Crime Victim Compensation

National Victim Crime Victim Compensation Program Overview

Victims of crime often suffer financial stress as a result of physical injuries and emotional trauma. "Recovering from violence or abuse is difficult enough without having to worry about how to pay for the costs of medical care and counseling, or about how to replace lost income due to disability or death."[1]

Every state has a crime victim compensation program that provides financial assistance to crime victims and their families. Although "no amount of money can erase the trauma and grief victims suffer, this aid can be crucial in the aftermath of crime."[2] "By paying for care that helps

[1] National Association of Crime Victim Compensation Boards. (2022). *Victim Compensation: An Overview*. https://nacvcb.org/victim-compensation/
[2] Ibid.

restore victims' physical and mental health, and by replacing lost income for victims who cannot work and for families who lose a breadwinner, compensation programs are assisting victims in direct ways."[3]

According to national compensation statistics, "compensation programs across the country are paying out close to $500 million annually to more than 200,000 victims."[4] It should be noted that this "money comes from offenders rather than tax dollars, since a large majority of states fund their programs entirely through fees and fines charged against those convicted of crime."[5] "Federal grants to compensation programs, providing about 35% of the money for payments to victims, also come solely from offender fines and assessments."[6]

Even though each state "operates under its own law, all compensation programs have the same basic criteria to determine eligibility for benefits."[7] These programs pay for a wide variety of expenses and losses related to criminal injury and homicide. These expenses generally include medical care, mental health treatment, funerals and lost wages. Some programs also cover crime-scene cleanup, relocation, childcare, and transportation for eligible crime victims.

Current and Future Outlook for Crime Victim Compensation

On February 5, 2024, the Office for Victims of Crime (OVC) published a Notice of Proposed Rulemaking in the Federal Register to "enhance the federal crime victim compensation program."[8] OVC proposed changes to the existing Victims of Crime Act (VOCA) Victim Compensation Program Guidelines (guidelines), and identified updates to codify program requirements for the VOCA Victim Compensation Formula Grant Program (Victim Compensation Program).[9] It also provided an opportunity for feedback on the proposed updates to the guidelines (also known as the "proposed Rule").[10]

"Over the past 2 years, OVC has undertaken steps to update the federal guidelines to increase access to compensation, ensuring all victims and their families receive the comprehensive care and financial compensation they deserve. Working with survivors, direct service providers, state administrators of compensation programs, national advocacy organizations, and federal partners,

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[3] Ibid.
[4] Ibid.
[5] Ibid.
[6] Ibid.
[7] Ibid.
[8] Office for Victims of Crime (OVC). (2024). *Message From the Director: Notice of Proposed Rulemaking to Enhance the Federal Crime Victim Compensation Program*. https://ovc.ojp.gov/news/announcements/message-from-director-notice-proposed-rulemaking-victim-compensation
[9] Ibid.
[10] Ibid.

OVC facilitated 10 listening sessions and numerous live and virtual community engagements to understand how compensation access, equity, and support can be enhanced."[11]

The proposed Rule addresses many common issues raised by Maryland's partners which include the need to:[12]

- Expand allowable services and expenses
- Clarify statutory program requirements
- Increase outreach to Tribal communities
- Strengthen victim confidentiality protections

Criminal Injuries Compensation Board

Through its mission, the Board serves to provide compensation to "victims and survivors of violent crime with offender-based revenues - not tax dollars"[13] - through the Criminal Injuries Compensation Fund (CICF). CICF includes a State special fund appropriation that is composed of fees levied throughout the criminal justice process and a federal match fund appropriation which is also composed of fees levied on offenders in the federal criminal justice system.

Administration

Under the authority of the Executive Director of the Office, Board Members are appointed to review disputed claims and to make decisions regarding whether to award or deny a request for compensation. The Board (inclusive of Administrative Staff) also employs staff to process requests for compensation under the direction of the Office's Director of Victim Compensation. To fulfill its charge under § 11-805(a) of the Md. Criminal Procedure Article, the agency is divided into two units, to include the following positions:

- Leadership Team
    - Director of Victim Compensation
    - Deputy Director of Victim Compensation
    - Director of Operations
    - Victim Services and Training Administrator (Administrator)
- Claims Processing and Examination

[11] Ibid.
[12] Office for Victims of Crime (OVC). (2024). *Message From the Director: Notice of Proposed Rulemaking to Enhance the Federal Crime Victim Compensation Program*. https://ovc.ojp.gov/news/announcements/message-from-director-notice-proposed-rulemaking-victim-compensation
[13] The Urban Institute. (2003). *Crime Victims Compensation in Maryland: Accomplishments and Strategies for the Future*.

- Victim Compensation Analysts (formerly known as Claims Examiners)[14]
- Claims Processors

The Claims Processing and Examination unit awards CICF funds to eligible victims or provides a referral, via the Victim Services and Training Administrator (Administrator), to other resources for those who do not meet the CICF eligibility requirements. In order to provide the most appropriate resource(s) to crime victims, the Claims Processing and Examination unit conducts a thorough review of each claim, using the following process:

- Receives applications for compensation;
- Communicates with the victim and contact claimants about the claims process to include attempting to obtain any required missing information or documentation;
- Efficiently processes the claim for compensation so that the claimant receives the compensation award in the most expedient manner possible;
- Provides referrals to other programs for financial reimbursement if the claimant is found ineligible for compensations through CICF; and
- Processes the claim award for payment through the Office.[15]

The Board follows its statutory position as 'Payer of Last Resort.' As a result, claimants are asked to provide documentation of denial or partial payments from other reimbursement sources before the Board begins the claims examination process. The Board awards claims to both individual crime victims and vendors.

To further ensure the financial well-being of crime victims, the Board provides assistance through its Administrator. The Administrator strives to ensure that crime victims are informed of their rights and receive the aid and assistance they are entitled to through the compensation process. To address this, the Administrator works with the Claims Processing and Examination Unit to ensure victims are restored financially through CICF or another source of reimbursement and assists victims during reconsideration hearings. The Administrator also provides outreach to community and criminal justice-based allied professionals, assists victims and claimants through the compensation appeals process, and provides continuing education on emerging victim-related issues to the Board.

Alterations and Expansions

In 2024, Governor Moore signed House Bill 575 (2024) into law. This bill made substantial changes to State law regarding victim compensation awarded through CICB. Specifically, the bill (1) alters the composition of CICB; (2) alters the duties, powers, and procedures for CICB to

[14] It is important to note that three of the seven positions were vacant in FY 2024.
[15] Chapter 11, Acts of 2020 changed the payment process for claim award, from the Governor's Office of Financial Administration to the Governor's Office of Crime Prevention and Policy.

make awards to victims of crime; (3) alters the statement of legislative policy regarding CICB; (4) expands the eligibility for, amount of, and types of awards CICB is authorized to make to specified victims of crime; and (5) authorizes reconsideration and judicial review of CICB decisions. It also authorizes the Governor to include an adequate appropriation in the annual budget for CICF in fiscal 2026 and each year thereafter to ensure a balance in the fund. The provision authorizing an appropriation became effective on July 1, 2024. The remaining provisions will take effect on July 1, 2025.

See the chart below for a summary of the changes and refer to the Appendix for a detailed description of changes to CICB effective July 1, 2025:

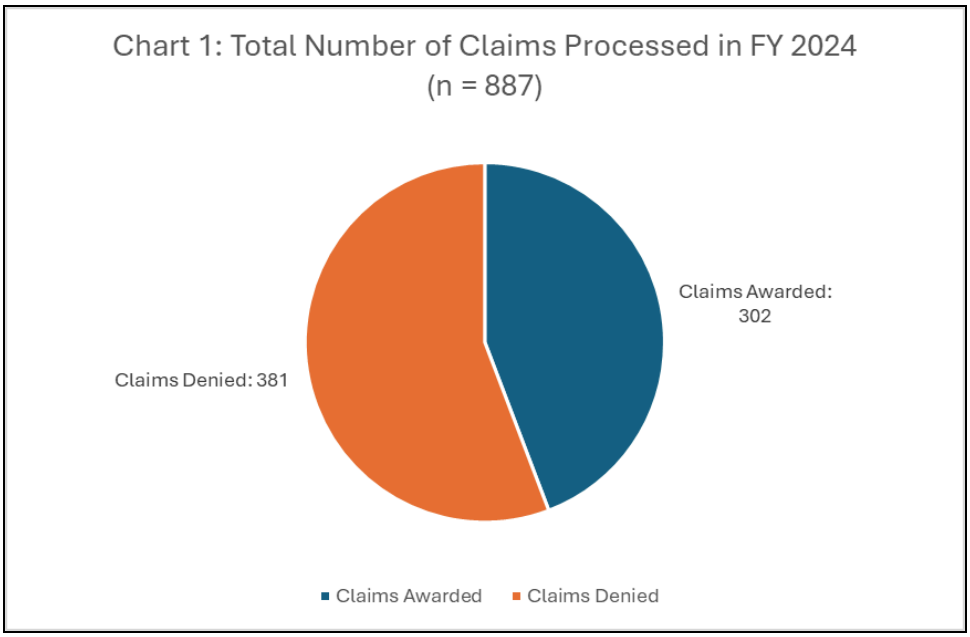
Substantial Change	Summary
Amended Legislative Terms	The law expands the definition of crime as follows: ● Now includes acts that involve the operations of a vessel or motor vehicle that cause serious injury or death because of specified violations such as passing a school vehicle and texting or talking on a phone. ● Identifies domestic partners as an eligible dependent; ● Establishes and defines a "qualified third party."[16] ● Expands the definition of victim to include a person who suffers psychological injury as a result of a crime or delinquent act.
Board Membership	The Board will increase in size, from five members to seven members, increasing its subject matter expertise and diversity.
Powers and Duties of the Board	The Board is responsible for determining claim eligibility. The law removes the requirement to confirm with police, state's attorney's or other agencies that there is no contributory conduct in order to move forward with processing the claim. The Board can determine eligibility by obtaining documentation from a "qualified third party." [17] to ascertain whether or not a crime occurred.

[16] A licensed physician, dentist or psychologist; a social or caseworker of any public or private health or social services agency; or an advocate or victim service provider from a domestic violence or sexual assault prevention or assistance program.
[17] Ibid.

Claim Filing Time	The filing time will increase from three years to four years (*please refer to 4. Claim Filing Time for more information*).
Award Eligibility	The law creates the following new categories of individuals who will be eligible for compensation: ● the domestic partner, dependent minor, or adults under the legal guardianship of a victim who resides with the victim ● the domestic partner, dependent minor, or adult under the legal guardianship of an individual who is incarcerated for abuse, and who, prior to incarceration, resided with one of the identified persons and provided financial support.
Claim Decision-Making Timeline by the Board	The time frame in which the Board must complete the review and evaluation of the claim, after all required documents are received, will decrease from 90 days to 30 days.
Award Category Expansions	The law expands eligibility under which the agency can make an award to include: one time relocation expenses, transportation, and childcare expenses. This also includes Emergency Awards for funerals, crime scene clean up and relocation.
Increased Award Amount of Certain Claim Categories	The law will increase funding in the following categories: ● funeral (from $7,500.00 to $10,000.00) ● psychiatric, psychological, or mental health counseling (from $10,000.00 to $45,000.00) ● crime scene cleanup (from $250.00 to $2,000.00) ● emergency award (from $5,000.00 to $10,000.00)

Activities of the Board

Between July 1, 2023 and June 30, 2024, the Board received a total of 887 applications for new claims. From this total, 77% (n = 683) were processed which resulted in 302 awards and 381 denials (*as shown in* ***Chart 1***). All awarded claims met the statutory and programmatic requirements.



Of the 381 denied claims, over 61% (n = 234) were the result of the applicant's failure to provide the required information (*as illustrated below*). The remaining 147 denials resulted from an ineligible application (n = 99), ineligible crime (n = 25), contributory misconduct (n = 14), application not filed within the time limit (n = 8), and failure to cooperate (n =1).

U.S. Department of Justice
Office of Justice Programs
Office for Victims of Crime
Washington, D.C. 20531

VICTIMS OF CRIME ACT
VICTIM COMPENSATION GRANT PROGRAM
Criminal Injuries Compensation Board

REPORT TIMEFRAME
July 1, 2023 through June 30, 2024 Date Printed: 09/18/2024

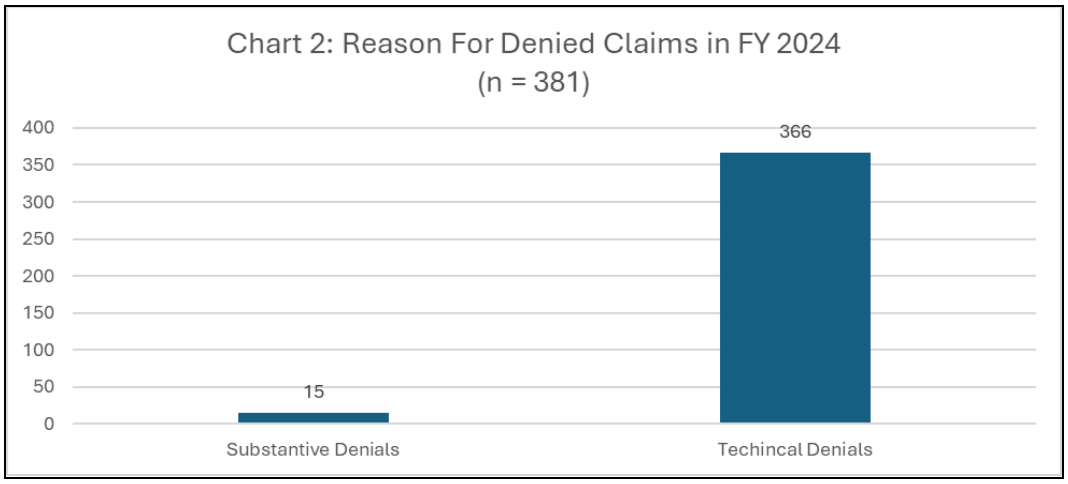
STATES RECEIVING VOCA CRIME VICTIMS COMPENSATION GRANT FUNDS ARE REQUIRED TO SUBMIT AN ANNUAL PERFORMANCE REPORT. THE REPORT COVERS THE FEDERAL FISCAL YEAR ENDING SEPTEMBER 30 AND IS DUE TO OVC BY DECEMBER 30 OF THE SAME YEAR.

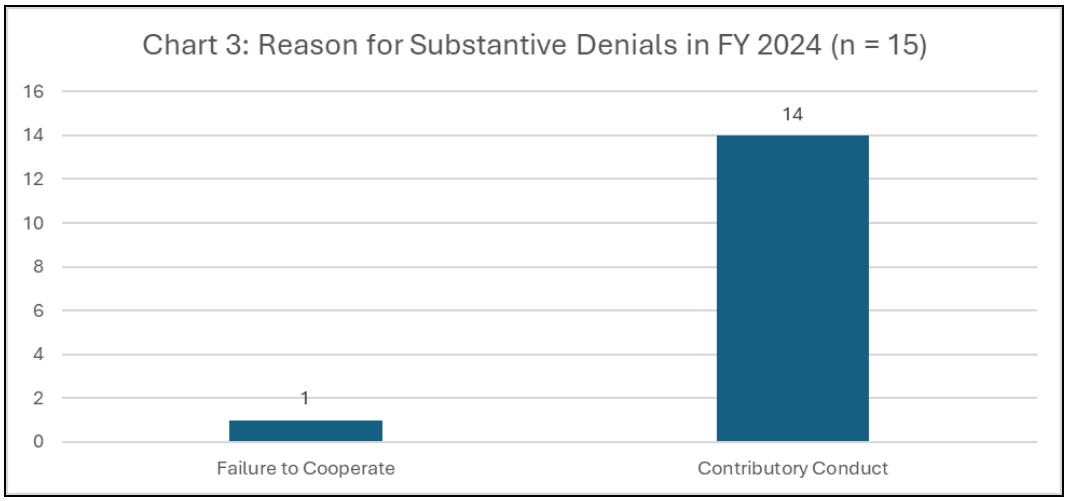
Section I	1. STATE: Criminal Injuries Compensation Board			
	2. CONTACT NAME:			
Section II	CLAIMS DATA			
	1. NUMBER OF NEW CLAIMS RECEIVED DURING REPORTING PERIOD			887
	2. NUMBER OF CLAIMS APPROVED AS ELIGIBLE			302
	a. Number of State Residents	302		
	b. Number of Non-Residents	0		
	c. Number approved for victims 17 and under	31		
	d. Number approved for victims 18-64	260		
	e. Number approved for victims 65 and older	7		
	3. NUMBER OF CLAIMS DENIED AS INELIGIBLE OR CLOSED			381
	Application not filed within time limit			8
	Filed after deadline	8		
	Contributory Misconduct			14
	Applicant is the offender	1		
	Provoked/failed to avoid confrontation	9		
	Victim committed illegal act	4		
	Failure to cooperate			1
	Failure to cooperate with law enforcement unit	1		
	Failure to Report to Police			0
	Not reported to police	0		
	Reported to police after deadline	0		
	Incomplete Information			234
	Unable to contact applicant	0		
	Failure to provide information (Show Cause Order)	234		
	Ineligible Application			99
	Expenses do not meet minimum loss	0		
	Applicant is deceased	3		
	Applicant failed to use collateral payment source	26		
	Applicant is incarcerated, on probation, or parole	0		
	Applicant is not an eligible party	10		
	Applicant owes restitution or child support	0		
	Expenses already reimbursed by insurance	13		
	Expenses not related to victimization	0		
	Incident occurred outside of state/jurisdiction	0		
	Maximum benefit has been paid	0		
	No economic loss/no expenses to consider	46		
	Unjust enrichment	0		
	Duplicate application	1		

*Beginning in 2024, State recipients of the VOCA Compensation Grant Award Program received funding based on the State's fiscal year (July 1, 2023 - June 30, 2024).

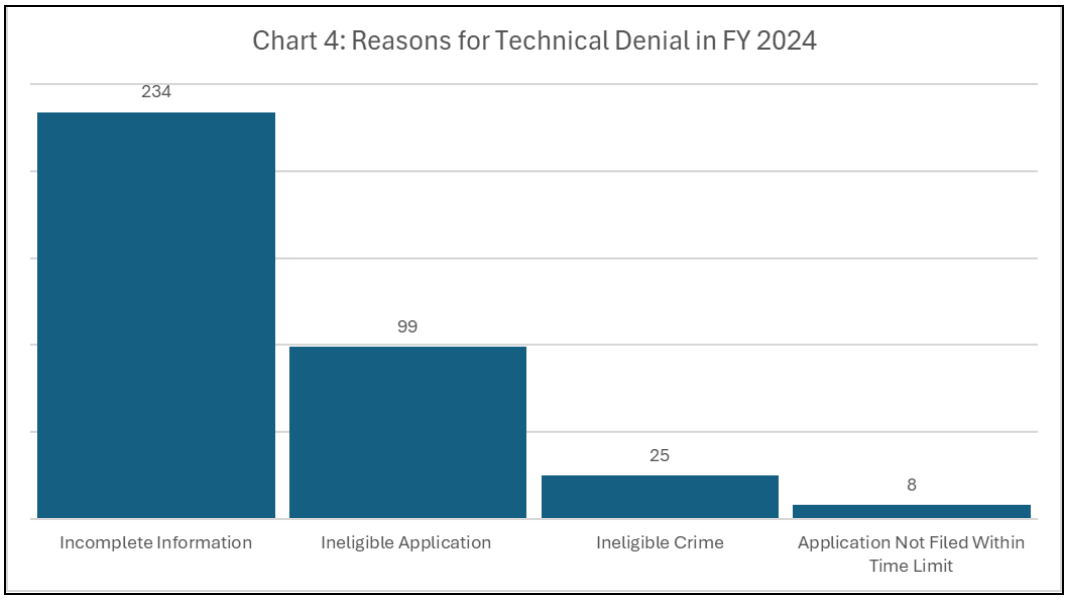
Of the 381 denied claims, 15 consisted of substantive denials and 366 consisted of technical denials (*as shown in **Chart 2***). Based on the 15 substantive denials - claims that did not meet the

statutory and/or programmatic requirements - 14 resulted from contributory conduct and one resulted from failure to cooperate (*as shown in* ***Chart 3***).





Of the 366 technical denials, 234 resulted from incomplete information, 99 resulted from an ineligible application, 25 resulted from ineligible crimes, and eight resulted from an application that was not filed within the time limit (*as shown in* ***Chart 4***).



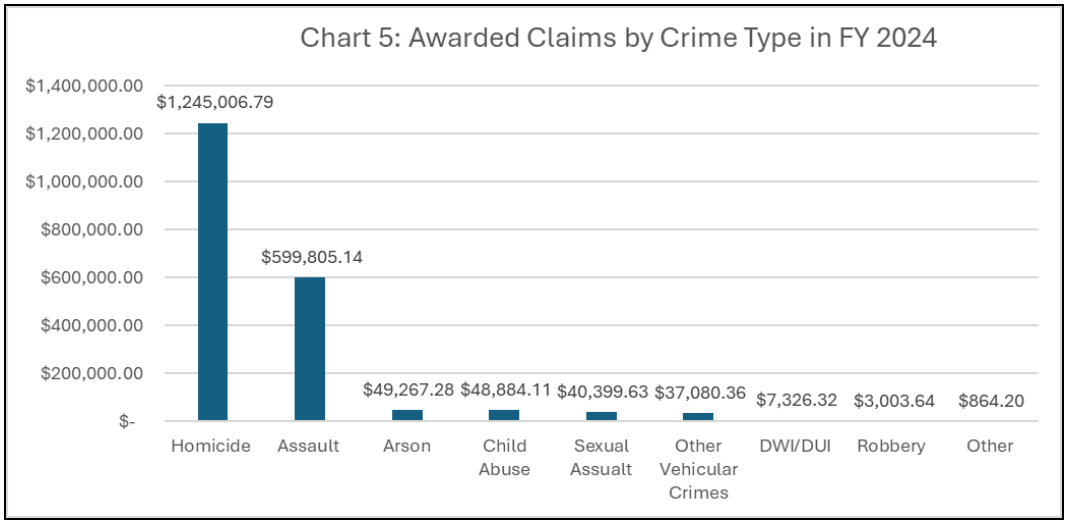
Financial Assistance to Crime Victims

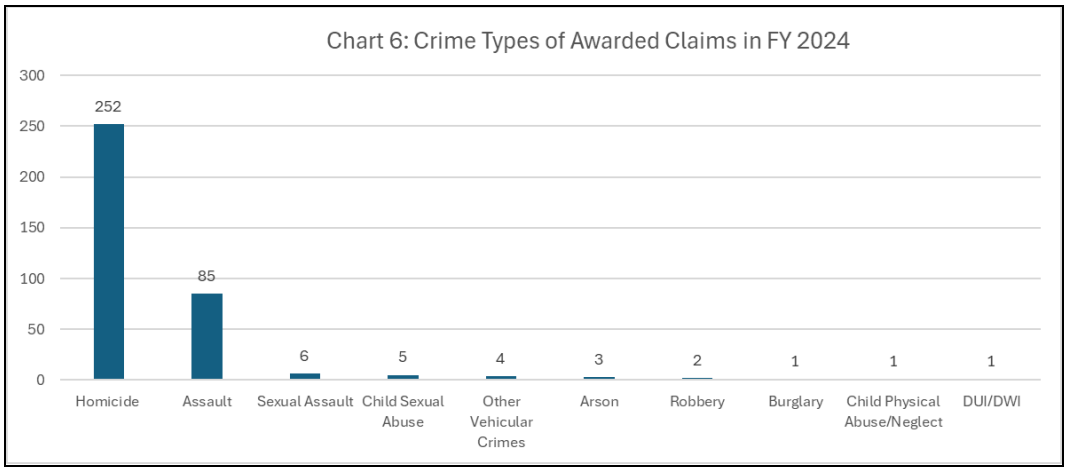
After reviewing the *Maryland Criminal Injuries Compensation Board (CICB) Application for Crime Victim Compensation*, claimants acknowledge that CICB is the payer of last resort.[18] This is done so that crime victims will understand that they must exhaust other options prior to the agency making an award for their claim. The agency will guide the victims in this information gathering and submission process to the greatest extent possible.

To demonstrate how CICB has aided victims financially, the charts below provide data pertaining to crime type, claim types and award amounts. In some instances, this data provides a geographic breakdown of these categories.

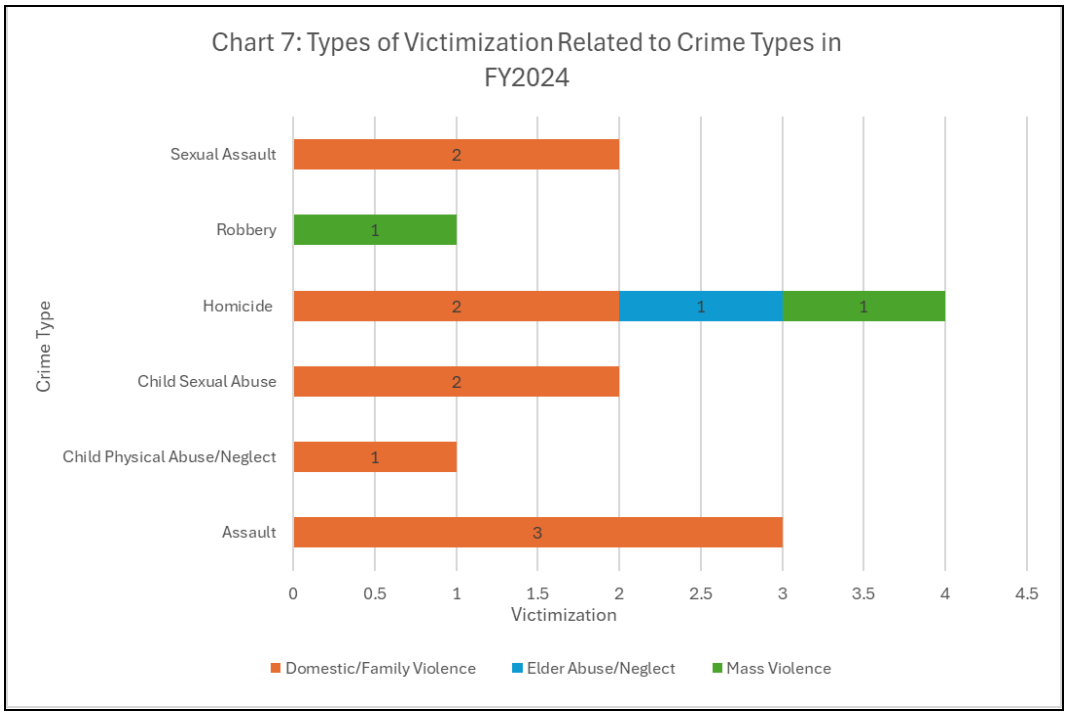
[18] Governor's Office of Crime Prevention and Policy. *Maryland Criminal Injuries Compensation Board (CICB) Application for Crime Victim Compensation*. https://gocpp.maryland.gov/wp-content/uploads/cicb-application-instructions-english.pdf It is important to note that the application does not require applicants to identify the victimization type or ancillary crime type. Instead, it asks for a description of the crime which may not include all victimization types.

In FY 2024, the majority of claims paid based on crime category consisted of homicide, followed by assault, arson, child abuse, sexual assault, and other vehicular crimes (*as shown in **Chart 5 and Chart 6***).





It should be noted that Maryland police report on crime, not specific types of victimizations. On Chart 7 below, please note that Maryland law does not identify domestic violence as a separate crime, domestic violence cases can be any crime where the perpetrator and victim have an intimate relationship. Because of this, CICB could only identify 13 cases as domestic violence in FY 2024.



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Section III

PAYMENT STATISTICS BY CRIME CATEGORY:

	TYPE OF CRIME	a. NUMBER OF CLAIMS PAID DURING REPORTING PERIOD (Includes Column b)	b. NUMBER OF DOMESTIC VIOLENCE RELATED CLAIMS PAID DURING REPORTING PERIOD	c. TOTAL AMOUNT PAID BY CATEGORY (Include all supplemental payments)
1.	ASSAULT	85	0	$ 599,805.14
2.	HOMICIDE	252	0	$ 1,245,006.79
3.	SEXUAL ASSAULT	6	0	$ 40,399.63
4.	CHILD ABUSE (including sexual physical abuse)	6		$ 48,884.11
5.	DWI/DUI	1		$ 7,326.32
6.	OTHER VEHICULAR CRIMES	4		$ 37,080.36
7.	STALKING	0	0	$ 0.00
8.	ROBBERY	2	0	$ 3,003.64
9.	TERRORISM	0		$ 0.00
10.	KIDNAPPING	0	0	$ 0.00
11.	ARSON	3	0	$ 49,267.28
12.	OTHER	1	0	$ 864.20
13.	TOTAL:	360	0	$ 2,031,637.47

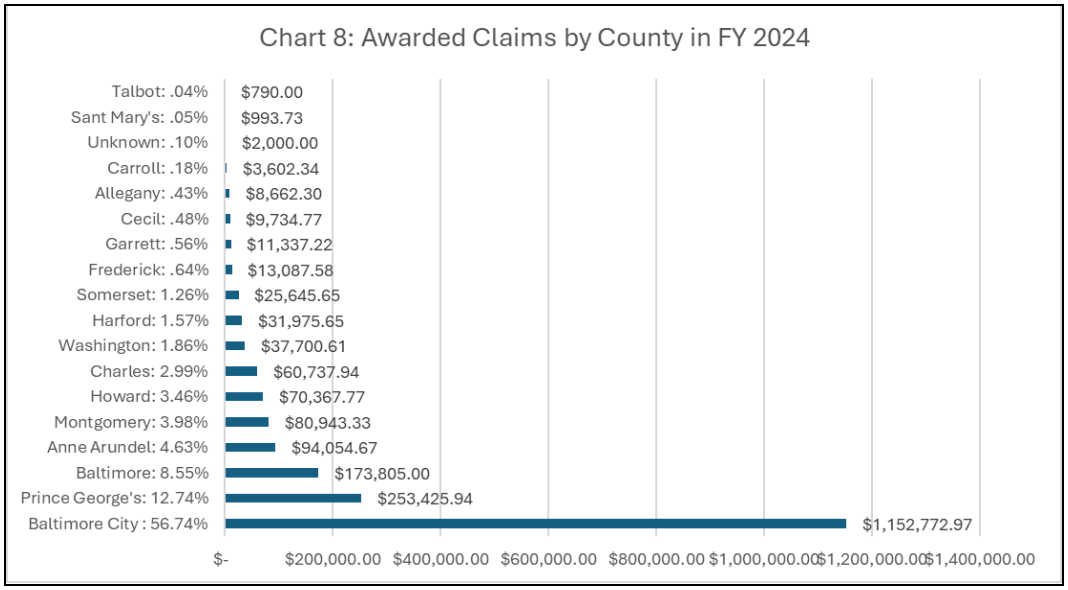
Criminal Injuries Compensation Board

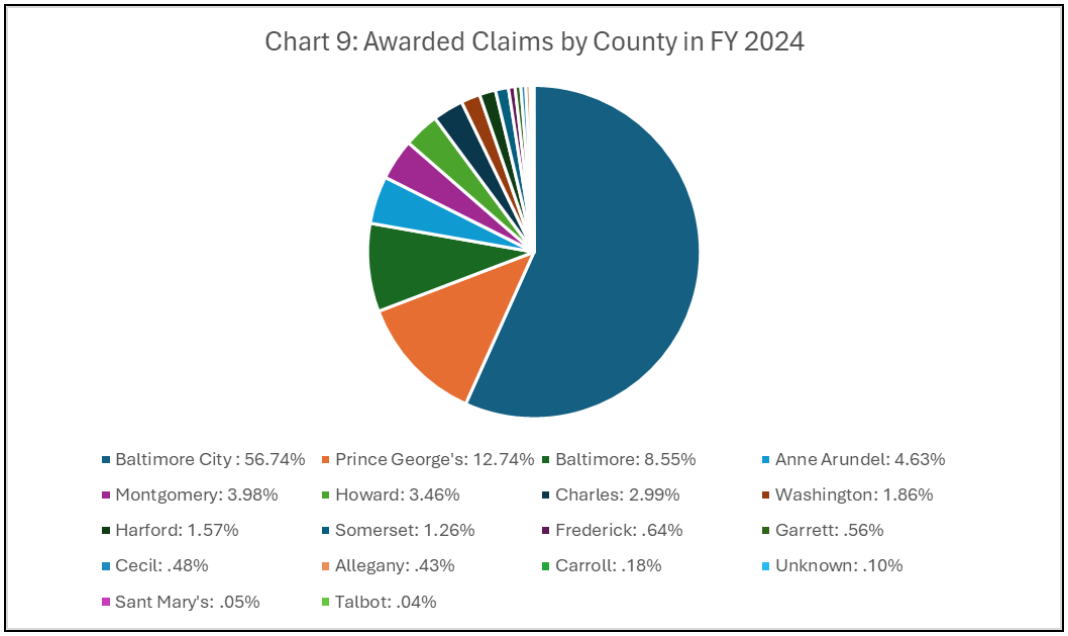
County Compensation Report

All Payments (positive or negative) with Paid Date between 07/01/2023 - 06/30/2024

County	No. Claims	No. Pmts	Total Paid
(Unknown)	1	1	$2,000.00
Allegany	2	4	$8,662.30
Anne Arundel	17	39	$94,054.67
Baltimore	28	37	$173,805.00
Baltimore City	196	238	$1,152,772.97
Carroll	1	2	$3,602.34
Cecil	2	2	$9,734.77
Charles	6	8	$60,737.94
Frederick	4	9	$13,087.58
Garrett	2	2	$11,337.22
Harford	7	11	$31,975.65
Howard	5	14	$70,367.77
Montgomery	20	39	$80,943.33
Prince George's	59	70	$253,425.94
Saint Mary's	2	2	$993.73
Somerset	2	3	$25,645.65
Talbot	1	1	$790.00
Washington	5	5	$37,700.61
Totals	360	487	$2,031,637.47

Of the total paid claims, 56.74% were paid to Baltimore City, followed by 12.74% to Prince George's County (*as shown in* ***Chart 8*** *and* ***Chart 9***).





Agency Operations

Face-to-Face Interactions

Between July 1, 2023 and June 30, 2024, the agency served 337 walk-in victims, claimants, and stakeholders which consisted of 119 individuals completing applications and 218 individuals delivering or completing additional documents or needing other related assistance. The agency provides in-person services to victims, claimants, stakeholders, and the public every Tuesday and Thursday, from 10:00 a.m. to 3:00 p.m. The Office is closed to the public on Wednesdays to conduct hearings and address vital administrative functions. In person service is provided to assist with application completion, documentation submission, and the collection of brochures by victim services entities, attorneys, and other stakeholders to assist claimants. Office staff assist with walk-ins which may take anywhere from 15 minutes to more than two hours depending on (1) complexity of the claim, (2) number of claimants/victims that require assistance, (3) literacy level of the claimant, (4) if the individual speaks English as a second language, and (5) emotional outpouring regarding the crime and the circumstances surrounding it.

Criminal Injuries Compensation Board

Claims Received By County Report

Includes all claims received between 07/01/2023 - 06/30/2024

County	% of Total	# Claims	Standard	Walk-in	Electronic
<None Selected>	1.5%	15	11	1	3
Allegany	0.3%	3	2	0	1
Anne Arundel	4.3%	44	25	1	18
Baltimore	9.8%	100	57	12	31
Baltimore City	40.2%	410	167	61	182
Calvert	0.2%	2	2	0	0
Caroline	0.2%	2	0	0	2
Carroll	0.2%	2	2	0	0
Cecil	1.4%	14	3	0	11
Charles	1.3%	13	9	1	3
Dorchester	0.3%	3	2	0	1
Frederick	2.0%	20	6	1	13
Harford	1.7%	17	7	0	10
Howard	1.7%	17	10	2	5
Montgomery	4.0%	41	16	0	25
Prince George's	26.8%	273	142	3	128
Saint Mary's	0.6%	6	4	0	2
Somerset	0.2%	2	2	0	0
Talbot	0.5%	5	4	0	1
Washington	1.0%	10	6	0	4
Wicomico	1.6%	16	12	0	4
Worcester	0.4%	4	3	0	1
Total	100.0%	1,019	492	82	445
			48.3%	8.0%	43.7%

Supplemental Claims

In FY 2024, the Board received 27 supplemental claim payments totalling $87,770.26. Unlike most claims, supplemental claims are awarded to crime victims who were previously compensated by the agency. As long as the claimant submits appropriate documentation pertaining to the nexus between the incident and documentation submitted for reimbursement, the supplemental claim may be compensated.

Reconsideration Hearings and Circuit Court Hearings

If a claimant does not agree with the Initial decision rendered by the Board, the Board reviews the claim through a reconsideration hearing. Following this process, and if a claimant does not agree with the reconsideration decision, they may file a claim with the circuit court of the county in which they reside. In FY 2024, the Board re-reviewed 39 claims through Reconsideration hearings and 7 claims for the Circuit Court process.

Legislative Changes

Historical Funding

The federal Victims of Crime Act (VOCA) Compensation Allocation has decreased since 2018 (*as shown in **Table 1***).

Table 1: VOCA Compensation Allocation (FY 2018 - FY 2024)	
Award Year	**Award Amount**
FY 2024	$1,369,000
FY 2023	$1,081,000
FY 2022	$1,257,000
FY 2021	$1,617,000
FY 2020	$1,075,000
FY 2019	$1,088,000
FY 2018	$1,462,000

The most recent court costs, fines, and fees collected on behalf of the Board are illustrated in **Table 2**.

Table 2: FY 2024 Criminal Injuries Compensation Fund (CICF)-State Funding Sources	
Revenue Source	**Amount**
Judiciary/Court Related Agency	131,326.76
Maryland District Court	922,638.01
Maryland District Court/Traffic Adjudication	500,000.00
Restitution/Department of Public Safety and Correctional Services	14,702.23
Total Revenue	**1,568,667.00**

Technology Enhancements

To serve crime victims more efficiently and effectively, the agency is currently incorporating extensive upgrades to its current database. These upgrades are designed to enhance the following:

- Application/claim input by claims processors;
- Application processing by victim compensation analysts;
- Provide electronic avenue for victims/claimants to file and monitor claims process;
- Allow stakeholders (with the permission of the claimant/victim) to monitor and assist with the claims process; and

- Ease of collection of requisite documents by claimants/victims, stakeholders and other authorized parties, which should greatly reduce the amount of claims closed due to lack of requisite information.

Claim Processing Enhancements

To ensure that all claims are processed in a more efficient and expedient manner, beginning July 1, 2025, the staff will begin adjudicating certain claims so that victims may receive their compensation as quickly as possible. The Board will only be asked to review the more complex claims and those requesting a Reconsideration Hearing. This new process will be implemented to keep apace with the anticipated demand of a larger number of applications submitted on behalf of crime victims.

Repealing the law that requires law enforcement documentation will also greatly decrease the claims processing time. Currently, many claims are held because of the need to obtain law enforcement documentation. Claims cannot move forward to be reviewed by the Board until this documentation is received by the victim compensation analysts. In fact, the agency consistently faces difficulty in a number of jurisdictions where law enforcement either refuse to release the police report or only do so after numerous requests.

Finally, one of the most important aspects of improving and expediting services to crime victims is the Office's efforts in revamping the application to be an electronic application. This new, electronic application will provide step-by-step guidance to ensure claimants/victims complete the application correctly. The prompted guidance will direct the applicant at every step to improve the overall completion and submission of correct applications. Claimants may contact the agency with any questions, concerns, or needed assistance.

Program Impact

Legislative changes result in an increase in eligibility, removal of disqualifiers, increased claims amounts, and shorter processing times. Not only will more claims be awarded but more money per claim will be paid. For example, funeral expenses, which are currently the largest compensation category, are currently limited to $7,500 per claim. After July 1, 2025, this amount will increase to $10,000. Additionally, the mental health counseling, which is currently capped at $10,000, increases to $45,000, which will be crucial in addressing the trauma caused by crime victimization for both primary and secondary victims.

Implementation

The Director, the Victim Services and Training Administrator, and the Director of Operations will be soliciting feedback from victim services and criminal justice stakeholders on an ongoing basis leading up to full implementation of the expanded bill effective July 1, 2025.

Appendix

1. Both New and Amended Definitions of Key Terms

Based on Maryland's victim compensation alterations and expansions, several changes to eligible crimes and victimizations will occur on July 1, 2025 (*as shown in **Table 3***). For more information, please refer to the expanded definitions and current definitions below and on the following page.

Table 3: Eligible Crimes and Victimizations (Expanded v. Current)	
Expanded Eligible Crimes	*Current Eligible Crimes*[19]
The definition of eligible expenses will be expanded exponentially and will be clarified on the agency's website no later than 90 days prior to the implementation date.	Arson
	Assault (includes multiple 'assault' types
	Burglary
	Child physical abuse/neglectI b
	Child sexual abuse
	DWI/DUI (roadway/waterdays)
	Homicide
	Human trafficking
	Kidnapping
	Other vehicular crimes
	Robbery
	Sexual assault (includes 'rape' and 'other than rape')
	Stalking
	Terrorism
Expanded Eligible Victimizations	Current Eligible Victimizations
The definition of eligible victimization will be expanded exponentially and will be clarified on the agency's website no later than 90 days prior to the implementation date.	Bullying
	Domestic and family violence
	Elder abuse/neglect
	Hate crimes
	Mass violence

[19] It is important to note that compensable crime categories for the Board are based on crimes that are outlined by the Office for Victims of Crime (OVC).

Expanded Definitions (Effective July 1, 2025)

Crime will be expanded to include acts involving the operations of a vessel or motor vehicle when the act is a violation of § 21-706 (overtaking and passing a school vehicle), § 21-901.3 (causing serious injury or death), or § 21-1124.3 (texting or handheld phone use that causes an accident resulting in death or serious bodily injury) of the Transportation Article.

Dependent will be expanded to include domestic partner.

Qualified third party is defined as a licensed physician, dentist, or psychologist authorized to practice under the Health Occupations Article, a social worker or caseworker of any public or private health or social services agency or provider, or an advocate or victim service provider from a domestic violence or sexual assault prevention or assistance program.

Victim is expanded to include a person who suffers psychological injury as a result of any crime or delinquent act (instead of only a person who suffers such an injury as a direct result of the specific crimes of (1) a fourth degree sexual offense or a delinquent act that would be a fourth degree sexual offense if committed by an adult; (2) a felony or delinquent act that would be a felony if committed by an adult; or (3) physical injury or death directly resulting from a crime or delinquent act).

Current Definitions (Criminal Procedure Article, § 11-801)

Crime means a criminal offense under state, federal, or common law that is committed in: (1) this State; or (2) another state against a resident of this State; or an act of intentional terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State.

Dependent means (1) a surviving spouse or child of a person; or (2) a person who is dependent on another person for principal support.

Qualified third party is a new term that is defined in the expanded definitions above.

Victim means a person:

(1) who suffers physical injury or death as a result of a crime or delinquent act;
(2) who suffers psychological injury as a direct result of:
    (i) a fourth degree sexual offense or a delinquent act that would be a fourth degree sexual offense if committed by an adult;
    (ii) a felony or a delinquent act that would be a felony if committed by an adult; or
    (iii) physical injury or death directly resulting from a crime or delinquent act; or
(3) who suffers physical injury or death as a direct result of:

(i) trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the person's presence;
(ii) trying to apprehend an offender who had committed a crime or delinquent act in the person's presence or had committed a felony or a delinquent act that would be a felony if committed by an adult; or
(iii) helping a law enforcement officer in the performance of the officer's duties or helping a member of a fire department who is being obstructed from performing the member's duties.

2. Composition of the Board

Expanded Composition of the Board (Effective July 1, 2025)

Membership of the Board shall reflect the state's population racially, ethnically, geographically and gender diversity. The Board will increase in size (from five members to seven members) and subject matter expertise, to include adding a survivor of violence from an area characterized by high crime and another member who represents an organization that provides assistance to crime victims applying for victim compensation.

Current Composition of the Board (Criminal Procedure Article, § 11-804; COMAR 12.01.01.03)

The Board consists of five members appointed by the Executive Director of the Office, with the approval of the Governor and the advice and consent of the Senate. With the approval of the Governor, the Executive Director shall designate one member of the Board as chairman to serve at the pleasure of the Executive Director. In addition, one Board member shall be a family member of a homicide victim.

3. Powers and Duties of the Board

Expanded/Amended Powers and Duties of the Board (Effective July 1, 2025)

The Board is specifically authorized to determine claim eligibility by requesting documentation from a "qualified third party" to ascertain whether or not a crime occurred. The expanded/amended powers and duties also repeal the authority of the Office to request confirmation that a crime occurred from local police, state's attorney offices, or any other law enforcement agency; and grants authority to the Board to appoint designated office staff to adjudicate initial claims and make determinations. It also adds new elements to be included in the annual report.

Current Powers and Duties of the Board (Criminal Procedure Article, § 11-805)

Subject to the authority of the Executive Director of the Office, the Board is charged with the following powers and duties:

(1) to establish and maintain an office and to appoint and prescribe the duties of a claims examiner, a secretary, clerks, and any other employees and agents as may be necessary;
(2) to adopt regulations to carry out the provisions and purposes of this subtitle, including procedures for the review and evaluation of claims that regulations for the approval of attorneys' fees for representation before the Board or before the court on judicial review;
(3) to request from the State's Attorney, the Department of State Police, or county or municipal police departments any investigation and information that will help the Board to determine:
    (i) whether a crime or a delinquent was committed or attempted; and
    (ii) whether and to what extent the victim or claimant was responsible for the victim's or claimant's own injury;
(4) to hear and determine each claim for an award filed with the Board under this subtitle and to reinvestigate or reopen a case as the Board determines to be necessary;
(5) to direct medical examination of victims;
(6) to hold hearings, administer oaths, examine any person under oath, and issue subpoenas requiring the attendance and testimony of witnesses or requiring the production of documents or other evidence;
(7) to take or cause to be taken affidavits or depositions within or outside the State; and
(8) to submit each year to the Governor, to the Executive Director, and subject to § 2-1257 of the State Government Article, to the General Assembly a written report of the activities of the Board.

4. Claim Filing Time

Expanded Claim Filing Time (Effective July 1, 2025)

The filing time of a claim shall increase from three years to four years after the later of: (i) the discovery of the occurrence of the crime or delinquent act or the death of the victim; or (ii) the earlier of (1) the date the claimant discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act; or (2) the date the claimant, exercising ordinary diligence, should have discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act.

In cases where a filing of a claim was delayed as a result of a delay in the testing of DNA or a delay in DNA profile matching from a sexual assault forensic examination kit or biological

material relating to a sexual offense, the time to file a claim shall occur within four years after notification of the results of the testing or DNA profile matching.

As always, the claimant may file a claim at any time if the Board deems there is "good cause" for failure to file a claim within the designated time frame.

Current Filing Timeline (Criminal Procedure Article, § 11-809; COMAR 12.01.01.04(A)(4))

The claimant shall file a claim within three years after the later of: (i) the discovery of the occurrence of the crime or delinquent act or the death of the victim; or (ii) the earlier of (1) the date the claimant discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act; or (2) the date the claimant, exercising ordinary diligence, should have discovered an attempt to obtain a reversal of a conviction, a sentence, or an adjudication for the crime or delinquent act.

In a case of child abuse, a claimant may file a claim up to date the child who was the subject of abuse is 25 years old; or if the Board determines that there was good cause for failure to file a claim before the date the child who was the subject of the abuse reached the age of 25 years, at any time.if, after considering the claim the Board determines that good cause existed to justify not filing a claim before the child was subject to the abuse is 25 years old.

5. Award Conditions

Denials

Currently, contributory conduct/illegal conduct and failure to cooperate have been deemed two of the major barriers to awarding claims on behalf of crime victims. After engaging in extensive listening sessions and collecting data in both oral and written forms, National Compensation Administrators have worked diligently with state compensation programs to eliminate the adverse effect that this standard will have on crime victims. Maryland began to follow the national trend in response to the enactment of House Bill 575 (2024) which eliminates any adverse effects incurred as a result of a victim's behavior and/or actions or lack thereof. Please refer to the following information regarding the repeal of contributory conduct under Maryland's victim compensation alterations and expansions, and the current contributory conduct and failure to cooperate statute which fall within the substantive denial category.

Expanded Repeals Contributory Conduct under Substantive Denials (Effective July 1, 2025)

House Bill 575 (2024) repeals the current statute as follows:

- The requirement for the Board to make a determination regarding whether a victim's conduct contributed to the infliction of the victim's injury, and if so, to reduce the amount of the award or reject the claim.
- The prohibition on a claimant receiving an award if the victim initiated, consented to, provoked, or unreasonably failed to avoid a physical confrontation with the offender, or the victim was participating in a crime or delinquent act when the injury was inflicted.

Current Substantive Denials and Technical Denials

Substantive Denials

- Contributory Conduct
    - Contributory conduct is established pursuant to § 11-810(d)(1)(i) of the Criminal Procedure Article. Contributory conduct refers to claims where the victim's actions were deemed illegal/improper at the time of the incident, as provided by documents from law enforcement, states attorneys offices, court systems, or any State or federal regulatory authority. This broad category is further defined as follows:
        - Those victims were engaging in criminal activity at the time of the incident;
        - Those who provoked or failed to avoid confrontation at the time of the incident; and
        - Those who were committing a criminal act at the time of the incident.
    - Under this subsection, the Board is required to determine whether a victim's conduct contributed to the victim's injury, and if so, to reduce or reject the claim. To determine that a victim's conduct contributed to the infliction of his/her injury, the following must be true:
        - The victim was committing a criminal act, or doing something substantially wrong (not just morally wrong or offensive).
        - The victim's conduct was the proximate cause of his/her injury. In order for a victim's action to be the proximate cause of his/her injury, the two must be related closely enough through the chain of causation that the act is considered foreseeable, and the sufficient cause of the harm.
    - There is evidence, not just speculation, that the victim's conduct caused the injury to occur.
    - A finding of contributory misconduct may be based on:
        - Police reports
        - Claimant/victim's statements
        - Interviews with police investigators or related staff

    - In addition, claims examiners may make use of any other source unless specifically prohibited from doing so.
    - Upon determining that the victim's conduct contributed to the injury, the claims examiner will:
        - Draft a denial decision, along with corroborating documentation to the Board.
        - Draft a memorandum seeking guidance when a case presents as complex.
        - The Board will decide whether the claim should be denied or reduced.
- Failure to Cooperate
    - Failure to cooperate is established pursuant to § 11-810(a)(1)(iv) of the Criminal Procedure Article. Failure to cooperate refers to claims where the victim has failed to cooperate with law enforcement, victim/witness coordinator, or other official required by program, etc. The Board may only make an award if it finds that the victim has cooperated fully with all law enforcement units.

<u>Technical Denials</u>

- Application not filed within time limit
    - Filed after deadline
- Failure to report to police
    - Not reported to police
    - Reported to police after deadline
- Incomplete information
    - Failure to provide information (show cause order or dismissal)
    - Unable to contact applicant
- Ineligible crime
    - No crime
    - Request not compensable or allowed by policy
    - Property damage only
    - Accident
- Ineligible application
    - No economic loss/no expenses to consider
    - Expenses not related to victimization
    - Expenses do not meet minimum loss
    - Expenses already reimbursed by insurance, Medicaid, or other collateral source
    - Applicant failed to use collateral payment source
    - Maximum benefit has been paid
    - Incident occurred outside of state/jurisdiction
    - Applicant is not an eligible party
    - Applicant is incarcerated, on probation or parole, or has a prior felony conviction

- Applicant is deceased
- Applicant owes restitution or child support
- Duplicate application
- Unjust enrichment

Eligibility

Maryland's victim compensation alterations and expansions also added three expenses that will be eligible on July 1, 2025 (*as shown in **Table 4***). For more information, please refer to the expanded award conditions and current award conditions on the following page.

Table 4: Eligible Expenses (Expanded v. Current)	
Expanded Eligible Expenses	**Current Eligible Expenses**
Medical/dental expenses related to a physical injury	Medical/dental expenses related to a physical injury
Psychological injury/mental health/counseling	Psychological injury/mental health/counseling
Loss of earnings which are directly related to the victim's inability to work following the crime or the victim/claimant's principal financial supporter being unable to work	Loss of earnings which are directly related to the victim's inability to work following the crime or the victim/claimant's principal financial supporter being unable to work
Total/partial, permanent/temporary disability	Total/partial, permanent/temporary disability
Funeral related expenses in the case of a homicide	Funeral related expenses in the case of a homicide
Loss of support or dependency, when a homicide victim (decedent) or an incarcerated individual was providing principal support to the claimant (a surviving spouse or child of a person; or a person who is dependent on another person for principal support)	Loss of support or dependency, when a homicide victim (decedent) or an incarcerated individual was providing principal support to the claimant (a surviving spouse or child of a person; or a person who is dependent on another person for principal support)
Bereavement leave	Bereavement leave
Crime scene cleanup	Crime scene cleanup
Other expenses as approved by the Board	Other expenses as approved by the Board
One time relocation expenses	-
Transportation	-
Childcare expenses	-

Expanded Award Conditions (Effective July 1, 2025)

Under the new legislation, there are several provisions that greatly alter the outcomes of the overall manner in which claims are decided, as well as what documentation could be used to make those determinations. Specifically, the bill repeals the requirement that the crime must be reported to law enforcement within 48 hours and; and the victim must fully cooperate with law enforcement. The bill also specifies that the agency must accept any evidence the Board deems probative. This will allow the Board/staff greater latitude in their efforts to award claims that

would have previously been denied due to more restrictive policies and procedures. With regards to dependency, household members and minors living with their legal guardian will be considered to be dependent on a parent or a legal guardian with whom they reside regardless of their actual earnings.

Current Award Conditions (Criminal Procedure Article, § 11-810)

Under § 11-810(a)(1) of the Criminal Procedure Article, the Board may make an award only if the Board finds that:

(i) a crime or delinquent act was committed;
(ii) the crime or delinquent act directly resulted in:
    (1) physical injury to or death of the victim; or
    (2) psychological injury to the victim that necessitated mental health counseling;
(iii) police, other law enforcement, or judicial records show that the crime or delinquent act or the discovery of child abuse was reported to the proper authorities within 48 hours after the occurrence of the crime or delinquent act or the discovery of the child abuse; and
(iv) the victim has cooperated fully with all law enforcement units.

For good cause, the Board may waive the requirements identified in (iii) and (iv) (as specified in § 11-810(a)(2)). In addition, and unless total dependency is established, family members are considered to be partly dependent on a parent with whom they reside without regard to actual earnings (as specified in § 11-810(b)).

Subject to § 11-810(c) of the Criminal Procedure Article, the Board may make an award only if the claimant, as a result of the injury on which the claim is based, has:

(1) incurred at least $100 in unreimbursed and non reimbursable expenses or indebtedness reasonably incurred or claimed for:
    (i) medical care;
    (ii) expenses for eyeglasses and other corrective lenses;
    (iii) mental health counseling;
    (iv) funeral expenses;
    (v) repairing, replacing, or cleaning property;
    (vi) disability or dependent claim; or
    (vii) other necessary services; or
(2) lost at least $100 in earnings or support.

Furthermore, § 11-810(d)(1) of the Criminal Procedure Article states that:

(i) Except as provided under subparagraph (ii) of this paragraph, in considering a claim and in determining the amount of an award, the Board shall determine whether the victim's conduct contributed to the infliction of the victim's injury, and, if so, reduce the amount of the award or reject the claim.

(ii) The Board may disregard the responsibility of the victim for the victim's own injury if that responsibility is attributable to efforts by the victim:

(1) to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence; or

(2) to apprehend an offender who had committed a crime or delinquent act in the victim's presence or had committed a felony or delinquent act that would be a felony if committed by an adult.

6. Award Eligibility

Based on the enactment of House Bill 575 (2024), several eligibility changes will occur for claimants/victims on July 1, 2025 (*as shown in **Table 5***). For more information, please refer to the expanded award eligibility and current award eligibility on the following page.

Table 5: Eligible Claimants/Victims (Expanded v. Current)

Expanded Eligible Claimants/Victims	Current Eligible Claimants/Victims
Person who suffers physical injury or death as a result of a crime or delinquent act	Person who suffers physical and/or psychological injury as a result of a crime or delinquent act, or immediate family member who witnesses a felony against the immediate family member
-	Surviving spouse or child or a homicide victim in which the homicide victim either resided with the spouse and/or child(ren), or provided support for the spouse and/or child(ren)
-	Person who assumed responsibility for the funeral expenses of a homicide victim
-	Person who was dependent on the homicide victim (decedent) for principal support
-	Person who was dependent upon the perpetrator of violence for principal support and the perpetrator is subsequently incarcerated for the crime
Person who suffers physical injury or death while trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the person's presence	Person who suffers injury while trying to prevent a crime, apprehend a suspect, or assist law enforcement in the course of law enforcement's official duties
Person who suffers physical injury or death while trying to apprehend an offender who had committed a crime or delinquent act in the person's presence or had committed a felony or a delinquent act that would be a felony if committed by an adult	

Person who suffers physical injury or death while helping a law enforcement officer in the performance of the officer's duties or helping a member of the fire department who is being obstructed from performing the member's duties	
Person who suffers psychological injury as a direct result of a fourth degree sexual offense or delinquent act that would be a fourth degree sexual offense if committed by an adult	-
Person who suffers psychological injury as a direct result of a felony or a delinquent act that would be a felony if committed by an adult	-
Expanded Ineligible Claimants/Victims	**Current Ineligible Claimants/Victims**
-	Those claims denied due to substantive and technical decisions

Expanded Award Eligibility (Effective July 1, 2025)

There are new categories of individuals who will now be eligible for compensation which include: the domestic partner, dependent minor, or adults under the legal guardianship of a victim who resides with the victim; and the domestic partner, dependent minor, or adult under the legal guardianship of an individual who is incarcerated for abuse as defined in § 4-501 of the Family Law Article, and who, prior to incarceration, resided with the domestic partner, dependent minor, or adult under legal guardianship and provided financial support.

Current Award Eligibility (Criminal Procedure Article, § 11-808)

Under § 11-808(a)(1)(iv) of the Criminal Procedure Article, a parent, child, or spouse of a victim who resides with the victim is eligible for awards. Eligibility is also allowed for a parent, child, or spouse of an individual who is incarcerated for abuse as defined by § 4-501 of the Family Law Article and who, prior to incarceration: resided with the parent, child, or spouse; and provided financial support to the parent, child, or spouse.

7. Claim Decision-Making Timeline by the Board

Expanded Claim Decision-Making Timeline (Effective July 1, 2025)

Within 30 days after receipt of an application/claim, the Board/Office must notify the claimant by phone, email, or other manner to request any additional information if needed to process the claim. The Board/Office must also document the date and time that the notice is issued.

Within 30 days (previously 90 days) after receipt of all requisite documentation, the Board/staff must complete the review and evaluation of the claim, and produce a written report of the initial decision and all supporting documentation submitted to reach the decision.

Within 30 days after the receipt of the written report/decision, the claimant may petition the Board/staff for a Reconsideration Hearing if they disagree with the initial decision.

Within 30 days after the Reconsideration Hearing, the Board/staff must issue a written decision and all supporting documentation submitted to reach the decision.

Within 30 days after the written report/decision of the Reconsideration Hearing, the claimant may appeal the decision in the Circuit Court in the county where they reside in accordance with Title 7 of the Maryland Rules. The claimant will be provided with any documents needed by the agency if they choose to utilize this option.

Current Claim Decision-Making Timeline (Criminal Procedure Article, §§ 11-814 and 11-815)

Subject to § 11-814 of the Criminal Procedure Article:

(a) Within 30 days after the receipt of a claim, the Board shall notify the claimant if any additional material is required.

(b)

(1) Except as provided in paragraph (2) of this subsection, within 90 days after the receipt of a claim and all necessary supporting material, the Board shall:

(i) complete the review and evaluation of each claim; and

(ii) file with th eExecutive Director a written report setting forth the decision and the reasons in support of the decision.

(2) For good cause shown, for a period not to exceed 1 year, the Board may extend the report with the Executive Director after receipt of the claim and all necessary supporting material until the first to occur of the following events:

(i) the claimant no longer has expenses related to the crime; or

(ii) the claimant has been awarded the maximum amount authorized under §§ 11-811(b) and 11-812 of this subtitle.

(c) Within 30 days after the receipt of a written report from the Board, the Executive Director shall modify, affirm, or reverse the decision of the Board.

(d) The decision of the Executive Director to affirm, modify, or reverse the decision of the Board is final.

(e) The claimant shall be given a copy of the final report on request.

Under § 11-815 of the Criminal Procedure Article:

(a) A claim under this subtitle is subject to the applicable provisions of the Administrative Procedure Act.

(b) If a claimant requests a hearing after the Board has issued proposed findings of fact, conclusions of law, or orders, the Board shall hold a hearing in accordance with eh

applicable provisions of the Administrative Procedure Act before the Board issues final findings of fact, conclusions of law, or orders.

(c) Within 30 days after the final decision of the Executive Director, a claimant aggrieved by that decision may appeal the decision under §§ 10-222 and 10-223 of the State Government Article.

8. Award Category Expansion

Expanded Award Category (Effective July 1, 2025)

The bill expands eligibility under which the agency can make an award, these include:

- Relocation - encompasses a one time relocation, including any security deposit.
- Childcare expenses – provides compensation for childcare incurred by a claimant/victim seeking medical or psychological counseling, as a result of a crime.
- Transportation – provides compensation for transportation costs incurred by a claimant/victim seeking medical or psychological counseling, as a result of a crime.

Categories referenced above are NEW and are not listed in the current statute.

9. Increased Award Amount of Certain Claim Categories (MD 11-811)

Expanded Increase in Amount of Awards (Effective July 1, 2025)

The Board will make every effort to serve crime victims by increasing the amount in major categories to ensure that victims are made as financially whole as possible. The chart below provides an abbreviated outline of the categories of increased compensation levels.

Award Type	What is Eligible to be Covered	Current Compensation Maximum	New Compensation Maximum
Funeral	Any expenses arising from funeral or burial costs incurred by the claimant.	$7,500.00	$10,00.00
Psychiatric, Psychological or Mental Health Counseling	Any costs incurred by a licensed clinical psychiatric, psychological, or mental health entity as it pertains to the crime denoted in the application.	$10,00.00	$45,000.00
Crime Scene Cleanup	Repair, replacement or cleaning of property damaged, soiled or littered as a result of a crime.	$250.00	$2,000.00
Emergency Award	Compensation for funeral expenses, crime scene cleanup, and emergency relocation for those claims meeting legal standards of “Emergency” which will be assumed, unless the claim is found to be without merit based on “clear and convincing evidence.	$5,000.00	$10,000.00